

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAFAEL MUESES POPOTE,

Petitioner,

v.

LEE ESTOCK, et al.,

Respondents.

CIVIL ACTION
NO. 22-4773

ORDER

AND NOW, this 27th day of May 2025, upon consideration of Petitioner Rafael Mueses Popote's Petition for a Writ of Habeas Corpus (Doc. No. 1), the Magistrate Judge's Report and Recommendation (Doc. No. 9), Petitioner's Objections to the Report and Recommendation (Doc. No. 10), the evidence presented at the February 5, 2025 evidentiary hearing (see Doc. No. 32), Petitioner's Supplemental Memorandum (Doc. No. 35), Respondents' Supplemental Memorandum (Doc. No. 37), the pertinent state court record, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **GRANTED** on the claim for a violation of Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S. 150 (1972).
2. The Magistrate Judge's Report and Recommendation (Doc. No. 9) is **NOT APPROVED AND ADOPTED**.
3. Petitioner's Objections to the Report and Recommendation (Doc. No. 10) are **SUSTAINED**.

4. Petitioner's conviction and sentence for corrupt organizations, conspiracy to commit corrupt organizations, dealing in proceeds of unlawful activities, criminal use communications facility, possession with intent to deliver a controlled substance, possession of a controlled substance, and conspiracy to commit possession with intent to deliver a controlled substance in the Pennsylvania Court of Common Pleas for Berks County, Criminal Division, No. CP-06-CR-0004731-2015, are **VACATED**.
5. The Commonwealth of Pennsylvania is directed to **RETRY** or **RELEASE** Petitioner within 120 days of this Order.
6. There is no basis for the issuance of a certificate of appealability. See Rules Governing Section 2254 Cases in the United States District Court, Rule 11(a).

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.